

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES DEPARTMENT
OF THE TREASURY

Plaintiff,

DUANE L. BERRY,
Relator,

v.

SEIZED FEDERAL SECURITIES,

Defendant.

CIVIL ACTION NO.
1:21-CV-0717-CAP

ORDER

This action is before the court on the report and recommendation (“R&R”) of the magistrate judge [Doc. No. 15]. The R&R recommends dismissal of the relator’s suit as frivolous pursuant to 28 U.S.C. § 1915(e)(2). The relator has filed no objections. He has filed two notices of appeal [Doc. Nos. 9 and 20] and a designation of the record on appeal [Doc. No. 19]. However, neither the R&R nor any order entered prior to the filing of the notice of appeal is a final judgment, and therefore these items are not appealable to the Eleventh Circuit Court of Appeals. Because the relator did

not assert any basis for the appeal, the court cannot construe the notice of appeal as objections to the R&R.¹

The court has reviewed the R&R and has found no error. Therefore, the R&R [Doc. No. 15] is ADOPTED as the order and opinion of this court.

SO ORDERED, this 26th day of April, 2021.

/s/ Charles A. Pannell, Jr.
CHARLES A. PANNELL, JR.
United States District Judge

¹ The first notice of appeal [Doc. No. 9] was filed prior to the entry of the R&R. The second notice of appeal [Doc. No. 20] references the date of the R&R but contains no grounds for appeal that could be construed as objections.